

REMARKS

Claims 1, 3 and 25 have been amended. Claims 16-18, 24 and 26 have been cancelled. Claims 1-15, 19-23 and 25 are now pending in the application. Reexamination and reconsideration of the claims, in view of the amendments and discussion below, are respectfully requested.

Applicant has responded to the informalities set forth in paragraph 1 of the Office Action in the Listing of Claims above.

In response to the objection to the drawings under 37 C.F.R. 1.83(a), a new Figure 5 is submitted with this response that shows the pad layers and the sheath layers, as requested by the examiner. It is respectfully submitted that no new matter has been introduced by including Figure 5, which is merely an illustration of the language in the specification.

The examiner objected to the Abstract as being too lengthy and verbose. The attached Abstract is submitted which is shortened in response.

The examiner objected to the specification under 35 U.S.C. 112, first paragraph for not being clear, concise and exact. Numerous amendments have been made to the specification in order to be responsive to this objection. It is respectfully submitted that the specification now meets this requirement.

In paragraph 5 of the Office Action, the examiner objected to various informalities in the specification. The specification has been amended in many respects to be responsive to these objections. It is respectfully submitted that the specification now overcomes these objections.

In paragraph 6 of the Office Action, the examiner objected to various informalities in the claims. The claims have been amended to be responsive to these objections. It is respectfully submitted that the claims now overcome these objections.

In response to paragraph 7 of the Office Action, applicant has amended claim 25 to properly recite a product by process claim.

Claims 1-3, 7-14, 16-18, 24 and 25 have been rejected under 35 U.S.C. 102(b) as being anticipated by Lloyd et al. Claim 1 has been amended to require that the pad is “resiliently expandable in a radial direction, but not in a longitudinal direction”. This restriction finds basis at page 7, lines 16 to 24, of the application as filed.

Lloyd et al. describes a tampon joined to a guide by a flexible tube. A finger can be inserted into the tube to assist with insertion of the tampon. The flexible tube has a collapsible portion that can invert inside the tube. Collapse is achieved by using suitably thin materials (see e.g. page 16, line 1 to page 19, line 11). Collapse can also be enhanced or temporarily secured by a so-called bellows configuration (see e.g. page 10, line 21 to page 11, line 23).

Lloyd et al. also mentions, e.g. at page 15, lines 11 to 15, that when the flexible tube surrounds the tampon, i.e. the tube is joined to the tampon at the end that enters the vagina first, as shown most clearly in Figure 1 B, the tube can possibly expand to accommodate the tampon as the tampon itself expands in use. This expansion is provided either by axial pleats or axial slits (see e.g. page 5, lines 10 to 19).

Finally, Lloyd et al. mentions the possibility of the flexible tube being capable of expanding to accommodate a finger at page 15, lines 11 to 15, although no details are given as to how this might be achieved,

No mention is made in Lloyd et al. of the flexible tube being resiliently expandable, as required by amended claim 1. Once the tampon of the Lloyd et al. device has been inserted, the flexible tube remains in the vaginal orifice, unless it is removed from the tampon as described in some embodiments. Although the part of the flexible tube at the vaginal orifice might be collapsible due to its thinness, no specific provision is made in Lloyd et al. for this collapse. In all likelihood, the flexible tube will therefore tend to crumple due to being squeezed by the vaginal orifice.

The invention defined by amended claim 1 solves this problem by providing a sheath that is resiliently expandable in a radial direction. A resiliently expandable sheath has the ability to spontaneously spring back into its initial shape after being expanded. This means that the diameter of the sheath can expand to accommodate a finger during insertion of the tampon, but return to a smaller diameter once the finger is removed. The smaller diameter sheath is less likely to crumple and is far more comfortable for the user.

There is no suggestion in Lloyd et al. to use a resiliently expandable tube. Furthermore, the Lloyd et al. device requires its flexible tube to evert during insertion of the tampon. A resiliently expandable tube would be more difficult to evert and so make the Lloyd et al. device far more difficult to use.

Regardless, even if a person of ordinary skill in the art were to consider altering the flexible tube of Lloyd et al. to be resiliently expandable, he would only reasonably be expected to do so by selecting a resiliently expandable material for the tube. This solution would lead to a flexible tube that is resiliently expandable in both radial and longitudinal directions. However, amended claim 1 requires that the sheath is resiliently expandable in a radial direction, but not significantly in a longitudinal direction. If the sheath were expandable in a longitudinal direction, there could be relative longitudinal movement between the internally worn absorbent plug and the externally worn absorbent pad. This is undesirable, as it can lead to misplacement of the internally worn plug, as mentioned at page 7, lines 21 and 22, of the application as filed. It can also lead to the externally worn pad moving away from the body during use to allow leakage or becoming displaced from the vaginal orifice such that the sheath is pulled obliquely and causes discomfort.

Thus, amended claim 1 is not anticipated by Lloyd et al.

Claims 1, 3-6, 24 and 25 have also been rejected under 35 U.S.C. 102(b) as being anticipated by Kayserberg. This publication describes a sanitary towel with an additional internal device. However, Applicant disagrees with the Examiner's view that the internal device comprises an "internally wearable absorbent plug" joined to the towel by a "sheath", as

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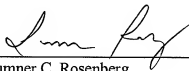
required by amended claim 1. The parts of the Kayserberg device that the Examiner appears to consider to form a “plug” are in fact parts of a “sheath”. These two distinct features are not disclosed in Kayserberg.

In any event, Kayserberg does not disclose the internal device being resiliently expandable in a radial direction, but not significantly in a longitudinal direction, as required by amended claim 1. Therefore, claim 1 is also not anticipated by Kayserberg.

Based on these arguments, claim 1 should be allowable. Since the remaining claims are all dependent, directly or indirectly, on claim 1, they should also be allowable. Therefore, early allowance of all pending claims is respectfully requested.

A credit card payment is being submitted via EFS Web in the amount of \$555.00, representing the fee for a three-month extension for a small entity under 37 C.F.R. § 1.17(a)(3), together with a Request for Extension of Time. This amount is believed to be correct; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,



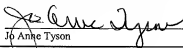
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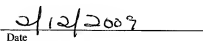
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